

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

IN RE:

MARVEL RONALD SMITH		Case No: 09-43081-PWB
Debtor(s).		Chapter 13

MARVEL RONALD SMITH		
Movant(s),		CONTESTED MATTER
vs.		
MONEY TREE FINANCIAL, INC.		
Respondent.		

MOTION TO AVOID LIEN

The Motion of Movant(s) respectfully presents:

1.

Movant(s) file(s) this Motion pursuant to 11 U.S.C. Section 522(f) and Bankruptcy Rule 4003(d) to avoid the non-possessory, non-purchase money lien on certain of Movant's personal property.

2.

The existence of the Respondent's lien on Movant's personal property impairs exemptions allowed to the Movant(s) pursuant to 11 U.S.C. Section 522(b) and O.C.G.A. 44-13-100(A) (1)(4) and (6).

WHEREFORE, Movant(s) pray(s) for judgment against the Respondent for the cancellation and avoidance of the non-possessory, non-purchase lien on the personal property, to the extent said security interest impairs exemptions allowed to the Movant(s) pursuant to 11 U.S.C. Section 522(b) and O.C.G.A. 44-13-100 (a)(1)(4) and (6), and for such other and further relief as is just.

Respectfully submitted,

/s/ _____
Brian R. Cahn, GA Bar No: 101965
Perrotta, Cahn & Prieto, P.C.
Historic Bradley Building
5 South Public Square
Cartersville, GA 30120
770-382-8900
Attorney for Debtor(s)

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**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION
TO AVOID LIEN ON EXEMPT PROPERTY AND OF TIME TO FILE SAME**

NOTICE IS HEREBY GIVEN that, on August 3, 2009, a **Motion to Avoid Lien** on exempt property pursuant to 11 U.S.C. Section 522 was filed in this case.

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2, Respondent must file a response to the motion within 20 days after service, and serve a copy of said response upon Movant(s). If no response is timely filed and served, the motion will be deemed unopposed and the Bankruptcy Court may enter an order granting the relief sought.

This 3rd day of August, 2009.

_____/s/_____
Brian R. Cahn, GA Bar No: 101965
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Historic Bradley Building
5 South Public Square
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am, at all times hereinafter mentioned, was more than 18 years of age, and that on the 3rd day of August, 2009, I served a copy of the **Motion to Avoid Lien on Exempt Property, together with the Notice of Requirement of Response to Motion to Avoid Lien on Exempt Property and of Time to File Same** on the following by U.S. Mail, in a properly stamped and addressed envelope:

Mary Ida Townson
Chapter 13 Trustee
100 Peachtree Street, NW
Suite 2700, Equitable Building
Atlanta, GA 30303

Money Tree Financial, Inc.
1100 E Walnut Ave.
Dalton, GA 30721

Money Tree Financial, Inc.
C/O Registered Agent for Service
Karen Felts
127 Peachtree Street, NE, Suite 503
Atlanta, GA 30303

This 3rd day of August, 2009.

/s/_____
Brian R. Cahn, GA Bar No: 101965
Perrotta, Cahn & Prieto, P.C.
Historic Bradley Building
5 South Public Square
Cartersville, GA 30120
770-382-8900
Attorney for Debtor(s)